IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

WP(C).No. 25627 of 2004(A)

PETITIONER:

K.C.MATHEW,DEMONSTRATOR IN ELECTRICAL ENGINEERING,GOVT. MODEL HIGHER SECONDARY SCHOOL FOR BOYS,THRISSUR.

BY ADV. SRI.M.R.GOPALAKRISHNAN NAIR

RESPONDENTS:
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1. STATE OF KERALA REP. BY SECRETARY TO GOVT. TECHNICAL EDUCATION DEPARTMENT. GOVT. SECRETARIAT,TRIVANDRUM.

2. DIRECTOR OF TECHNICAL EDUCATION TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.BASANT BALAJI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1 LETTER DT 16.2.04 OF R2.

P2 CERTIFICATE OF DIPLOMA IN ELECTRICAL ENGINEERING AWARDED TO THE PETITIONER BY THE STATE BOARD OF TECHNICAL EDUCATION.

P3 PROCEEDINGS DT 11.6.93 OF R2 PUBLISHED IN THE KERALA GAZETTE 17.8.93.

P4 EXTRACT OF PARA 5(1)(B) OF GO(P) NO.300/98/FIN DT 25.11.98.

P5 JUDGMENT DT 18.7.02 IN OP.13985/98.

P6 GOVT. ORDER DT 25.10.03.

P7 JUDGMENT DT 6.8.04 IN WPC.31843/03.

P8 ORDER DT 8.10.04 ISSUED BY R1.

P9 GOVT. ORDER DT 13.12.65.

P10 ORDER DT.12.10.88.

P11 JUDGMENT DT 9.8.05 IN WPC.21667/05.

P12 ORDER DT 21.4.06.

TRUE COPY

P.A. TO JUDGE

A.K. BASHEER, J.

W.P.(C). NO. 25627 OF 2004

Dated this the 5th day of March, 2007

J U D G M E N T

Petitioner is stated to be working as Demonstrator in Electrical Engineering in the Technical Education Department. According to the petitioner, he had completed 10 years of service in the post on October 28, 1998, and thus he had become eligible to get higher grade. The grievance of the petitioner is that he had been denied higher grade. Ext.P1 is stated to be the letter issued by the 2nd respondent in this regard rejecting his claim for higher grade. The prayer in this writ petition is to issue a writ of certiorari to quash Ext.P1. There is a further prayer to issue a writ of mandamus or such other appropriate writ, order or direction to the respondents to grant higher grade to the petitioner with effect from the date he completed 10 years of service in the post of demonstrator.

2. It has been brought to my notice that this Court had occasion to consider identical issues earlier. Ext. P4 order of the Government and Exts.P7 and P11 judgments of this Court have

been produced by the petitioner in support of his plea that he is also entitled to get the benefit of higher grade. A perusal of the above judgments undoubtedly shows that there is considerable force in the contention raised by the petitioner. It is also brought to my notice that the 2nd respondent had in fact passed Ext.P12 order pursuant to the directions contained in Ext.P11 judgment granting benefit of higher grade to the petitioner in the said judgment.

In the above circumstances, the writ petition is allowed. The 2nd respondent shall pass appropriate orders in the matter in the light of Exts. P4, P7 and P11 as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment. Needless to say, the petitioner shall be afforded sufficient opportunity to be heard before orders are passed by the 2nd respondent. Petitioner shall produce certified copy of this judgment along with a copy of the writ petition and the annexures before the 2nd respondent for compliance.

A.K. BASHEER, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.

JUDGMENT

21st DECEMBER, 2006